



PROPOSED RULE-MAKING  
(RCW 34.05.320)

CR-102 (7/23/95)

Agency: Public Disclosure Commission

- ☒ Original Notice  
☐ Supplemental Notice  
to WSR \_\_\_\_\_  
☐ Continuance of WSR  
\_\_\_\_\_

Preproposal Statement of inquiry was filed as WSR 00-16-140; or

☐ Proposal is exempt under RCW 34.05.310(4).

(a) Title of rule (Describe Subject):

WAC 390-16-044 Statewide ballot issue signature gathering expenses – Reporting.

Purpose: To repeal this rule.

Other identifying information:

(b) Statutory authority for adoption:

RCW 42.17.370(1)

Statute being implemented:

RCW 42.17.090(1)(g)

(c) Summary: The original intent of the rule was to publicly disclose detailed information on expenditures for the purpose of soliciting or procuring signatures on petitions to place an initiative or referendum on a statewide ballot. The rule required the disclosure of the name and address of persons hired by vendors to gather signatures along with the amount paid to each and the date of payment.

Reasons supporting proposal:

Consistent with the 9<sup>th</sup> Circuit Court of Appeals decision in (WIN) Washington Initiatives Now v. Vicki Rippie the Commission intends to repeal WAC 390-16-044 since both the statutory language in RCW 42.17.090(1)(g) and the rule have been found to violate the First Amendment.

(d) Name of Agency Personnel Responsible for:

Office Location

Telephone

1. Drafting	Doug Ellis	PDC, 711 Capitol Way, Rm 403, Olympia	(360) 664-2735
2. Implementation	Doug Ellis	PDC, 711 Capitol Way, Rm 403, Olympia	(360) 664-2735
3. Enforcement	Phil Stutzman	PDC, 711 Capitol Way, Rm 403, Olympia	(360) 664-8853

(e) Name of proponent (person or organization):

Public Disclosure Commission

- ☐ Private  
☐ Public  
☒ Governmental

(f) Agency comments or recommendations, if any, as to statutory language, implementation, enforcement, and fiscal matters: None

(g) Is rule necessary because of:

Federal Law?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Federal Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
State Court Decision?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

Citation:

(h) Hearing location:

Commission Hearing Room  
Evergreen Plaza Building  
711 Capitol Way, Room 206  
Olympia, WA

Date: October 24, 2000

Time: 9:00 a.m.

Assistance for persons with disabilities: Ruthann Bryant (360) 753-1111

Submit written comments to:

Doug Ellis  
Public Disclosure Commission  
PO Box 40908  
Olympia, WA 98504-0908  
Fax (360) 753-1112 by October 20, 2000

DATE OF INTENDED ADOPTION:

October 24, 2000

NAME

Vicki Rippie

SIGNATURE

TITLE

Executive Director

DATE

9/20/00

CODE REVISER USE ONLY

11-59  
00-17-118

(COMPLETE REVERSE SIDE)

**(j) Short explanation of rule, its purpose, and anticipated effects:**

Repeal of WAC 390-16-044 is warranted because both RCW 42.17.090(1)(g) and this rule were found unconstitutional.

**Does proposal change existing rules:**      ☒ **YES**      ☐ **NO**      If yes, describe changes:

The existing rule is proposed for repeal.

**(k) Has a small business economic impact statement been prepared under chapter 19.85 RCW?**

☐ **YES. Attach copy of small business economic impact statement.**  
**A copy of the statement may be obtained by writing to:**

☒ **NO. Explain why no statement was prepared.**

The repeal of this rule would only affect a small business that employs others to secure signatures on petitions to place an initiative or referendum on a statewide ballot.

**(l) Does section 201, chapter 403, Laws of 1995, apply to this rule adoption?      ☐ Yes      ☒ No**  
**Please explain:**

The PDC is not an agency listed in subsection (5)(a)(i) of section 201. Further, the PDC does not voluntarily make section 201 applicable to this rule adoption pursuant to subsection (5)(a)(ii) of section 201, and to date JARRC has not made section 201 applicable to this rule adoption.

## **REPEALER**

The following section of the Washington Administrative Code is repealed:

WAC 390-16-044 Statewide ballot issue signature gathering expense